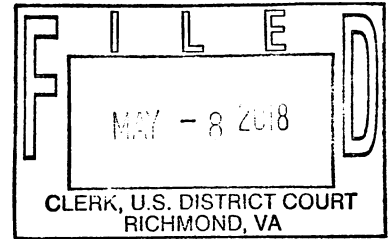


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JOHN D. SIMPSON,

Petitioner,

v.

Civil Action No. 3:18CV165

SUPREME COURT OF VIRGINIA,

Respondent.

MEMORANDUM OPINION

John D. Simpson submitted a document that he labeled a "NOTICE OF APPEAL." (ECF No. 1.) Given the content of this document, the Court gave Simpson an opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. See Rivenbark v. Virginia, 305 F. App'x 144, 145 (4th Cir. 2008). Accordingly, by Memorandum Order entered on April 4, 2018, the Court sent Simpson the form for filing a 28 U.S.C. § 2254 petition. The Court informed Simpson that if he wished to proceed pursuant to 28 U.S.C. § 2254, he must complete the § 2254 petition form and return the same to the Court within twenty (20) days of the date of entry thereof. The Court warned Simpson that the failure to return the § 2254 petition form or take any further action in this matter within twenty (20) days of the date of entry thereof would result in the dismissal of the action. See Fed. R. Civ. P. 41(b).

More than twenty (20) days have elapsed since the entry of the April 4, 2018 Memorandum Order and Simpson has not

responded. Accordingly, the action will be dismissed without prejudice. The Court will deny a certificate of appealability.

An appropriate Order shall accompany this Memorandum Opinion.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *May 8, 2018*